



UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	08/573,974	FILING DATE	05/12/97	SEARCHED INVENTOR	ATTORNEY DOCKET NO.
					M CAT/34

NOEL F HEAL  
2516 VIA TEJON  
SUITE 316  
PALOS VERDES ESTATES CA 90274

LM01/0902

EXAMINER  
WILLIAMS PENNY

ART UNIT	PAPER NUMBER
2765	

DATE MAILED: 09/02/98  
43

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. <b>08/873,974</b>	Applicant(s) <b>Scroggie et al</b>
	Examiner <b>Penny Caudle</b>	Group Art Unit <b>2765</b>

- Responsive to communication(s) filed on \_\_\_\_\_.
- This action is **FINAL**.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

- Claim(s) 1-23 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- Claim(s) \_\_\_\_\_ is/are allowed.
- Claim(s) 1-23 is/are rejected.
- Claim(s) \_\_\_\_\_ is/are objected to.
- Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All  Some\*  None of the CERTIFIED copies of the priority documents have been
- received.
- received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \*Certified copies not received: \_\_\_\_\_.
- Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- Notice of References Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- Interview Summary, PTO-413
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152.

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2765

1. Claims 1-23 have been examined.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-23 are rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention. According to an article in the San Diego Union-Tribune, "Cruising for food savings on Internet", dated April 20, 1996, the applicant's invention, "Supermarkets Online", was available to the public in San Diego, CA and San Jose, CA in April 1996. In addition, Peterson discloses that the World Wide Web-based service, Supermarkets Online, was available for consumers in California as early as June 1, 1996.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Penny Caudle whose telephone number is (703) 305-0436.



plc

August 26, 1998

ALLEN R. MACDONALD  
SUPERVISORY PATENT EXAMINEE